REMARKS/ARGUMENTS

Claims 28-30 are canceled without prejudice or waiver. Claims 13, 17, 21, 22, and 25 are amended. Claims 13-27 remain in the application. It is not the Applicants' intent to surrender any equivalents because of the amendments or arguments made herein. Reconsideration and entrance of these amendments to the application are respectfully requested.

The present amendment is submitted in connection with a Request for Continued Examination that has been filed concurrently herewith. Applicant respectfully submits that this amendment satisfies the submission requirement of 37 C.F.R. 1.114. Examination and consideration of the claims pursuant to the filed Request for Continued Examination is respectfully requested.

Allowable Subject Matter

In paragraph 8 of the Office Action, claims 22-24 were objected to as being dependent on a rejected base claim, but would otherwise be allowable if written in independent form including all of the limitations of the intervening claims.

The Applicant thanks the Examiner and formally recognizes the allowable subject matter of claims 22-24. Applicants have rewritten the claims to overcome the objections, and respectfully submit that all remaining claims are now in good order for allowance.

Election/Restriction

In paragraph 2 of the Office Action, claims 2-30 were withdrawn from consideration because they were distinct from the invention originally claimed.

The Applicants have canceled claims 28-30 without prejudice or waiver, and reserve the right to submit claims 28-30 in a future continuation application.

Art-Based Rejections

In paragraph 4 of the Office Action, claims 13-14, 17-18, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Irube et al., USPN 6,377,818 in view of Tagashira et al., JP 05-145655A and Yoshida, JP 04-010746A.

In paragraph 5 of the Office Action, claims 15-16 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Irube et al., USPN 6,377,818 in view of Tagashira et al., JP 05-145655A, Yoshida, JP 04-010746A and Nishino et al., JP 01-311744A.

In paragraph 6 of the Office Action, claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Irube et al., USPN 6,377,818 in view of Tagashira et al., JP 05-145655A, Yoshida, JP 04-010746A and Tokano, USPN 5,838,577.

In paragraph 7 of the Office Action, claims 26-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Irube et al., USPN 6,377,818 in view of Tagashira et al., JP 05-145655A, Yoshida, JP 04-010746A, and Rostoker et al., USPN 5,793,416.

The Applicant respectfully traverses the rejections, in light of the arguments herein.

The Irube Reference

The Irube reference discusses a communication terminal apparatus. The main controller 11 immediately after the power ON state has started is set in a standby state. In the standby state, the main controller 11 controls the text LCD control circuit 15 to display a main menu screen for selecting one of the telephone, videophone, and data communications modes on the text LCD 16. See Col. 9, lines 46-54.

The Tagashira Reference

The ancillary Tagashira reference discusses multi-medium terminal equipment. This equipment is provided with a medium information storage circuit 5 storing a medium type allowing the arrival of an incoming call registered in advance by a terminal equipment operator and its combination and a comparison analysis circuit 6 for the communication medium type. See Constitution.

The Yoshida Reference

The ancillary Yoshida reference discusses a data communication apparatus. The data communication equipment is provided with means 24, 27 for detecting the operating state of a prescribed part in the equipment and the control means 28 for selecting either one of communication modes, i.e., data communication and sound communication. See Constitution.

The Nishino Reference

The ancillary Nishino reference discusses ISDN composite terminal equipment. Such equipment is provided with a call setting means 1 applying call setting request for each medium as an outgoing terminal function. See Constitution.

The Tokano Reference

The Tokano reference discusses an electrical apparatus capable of being connected to plural kinds of peripheral devices. See Abstract.

The Rostoker Reference

The Rostoker reference discusses a wireless system for the communication of audio, video, and data signals over a narrow bandwidth.

The Claims are Patentable over the Cited References

The claims of the present invention describe a mobile communication terminal having a telephone function, a data communication function, and a visual telephone function. A device in accordance with the present invention, comprises a camera including an image sensor which picks up images, a display unit which displays images, a data type identifying unit which identifies whether in-coming information is sound data, text data, or image and sound data, based on a data type information which was appended in advance as a header to in-coming information, a registering unit which stores a plurality of application programs including at least an application program for executing the visual telephone function, and a control unit which selects one of the application programs in correspondence with the data type information, which is appended to in-coming information and is identified by the data type identifying unit, and activates the selected application program.

The cited references do not teach nor suggest the limitations of the claims of the present invention. Specifically, the cited references does not teach nor suggest at least the limitation of a control unit which selects one of the application programs in correspondence with the data type information, which is appended to in-coming information and is identified by the data type identifying unit, and

activates the selected application program as recited in independent claims 13 and 17 of the present invention.

Claims 13 and 17

Contrary to the assertions in the Office Action, The Irube and Tagashira references do not teach nor suggest at least the limitation of a control unit for selecting a program in correspondence with data type information and activating the selected program. The Irube and Tagashira references disclose circuits that require manual programming from a user regardless of data type, and the user activates the selected program, not the control unit of Irube or Tagashira. As such, the Irube and Tagashira references do not teach at least the limitation of a control unit which selects one of the application programs in correspondence with the data type information, which is appended to in-coming information and is identified by the data type identifying unit, and activates the selected application program as recited in independent claims 13 and 17 of the present invention.

The ancillary Yoshida reference does not remedy the deficiencies of the Irube and Tagashira references. Specifically, Yoshida does not teach nor suggest at least the limitation of a control unit which selects one of the application programs in correspondence with the data type information, which is appended to in-coming information and is identified by the data type identifying unit, and activates the selected application program as recited in independent claims 13 and 17 of the present invention.

Further, with respect to Yoshida, the Office Action suggests that Yoshida discloses a means for selecting one of the communication modes in accordance with the output of detecting means at the time of an incoming call in order to automatically select the other communication in accordance with a prescribed communication condition, and therefore, it was obvious for a person skilled in the

art to combine the techniques of Tagashira et al. and Irube et al. with a control means for selecting one of the application programs including correspondence with the data type information that is appended to incoming information and activating the selected application program.

However, in the data communication apparatus of Yoshida, one of data communication mode and sound communication mode is selected as an initial mode in response to the output of a detecting means at the time of incoming call. Next, if there is no response to the selected initial mode, the communication mode will be automatically switched to the other communication mode.

Specifically, in the facsimile apparatus of Yoshida, when incoming call is received, a document detecting circuit 27 determines whether a document to be sent is set in the facsimile apparatus. If there is a document to be sent, data communication mode (facsimile mode) is selected as an initial mode so that a facsimile signal can be received immediately by the facsimile apparatus. After the facsimile mode is selected, however, if the facsimile signal (CNG signal) cannot be received and an off-hook signal is detected by an off-hook detecting circuit 24, communication mode is changed from the facsimile mode to a telephone mode. In this way, the facsimile apparatus of Yoshida only switches the initial communication mode to the facsimile mode or the telephone mode based on: (i) whether or not there is a document to be sent in the facsimile apparatus, (ii) off-hook or on-hook, and (iii) whether or not a facsimile signal is received.

Therefore, contrary to the assertions in the Office Action, Yoshida fails to disclose a control unit for selecting one of the application programs including correspondence with the data type information that is appended to incoming information and activating the selected application program.

Therefore, not only is there no teaching of at least one limitation in the claims, there is no motivation to combine the disclosures of Tagashira et al., Irube et al., and Yoshida. As such, the cited references, alone or in any combination, fail to teach or suggest at least one limitation of claims 13 and 17, and therefore, claims 13 and 17 are patentable over the cited references.

Thus, it is submitted that independent claims 13 and 17 are patentable over the cited references. Claims 14 to 16, 18 to 21, and 25 to 27 are also patentable over the cited reference, not only because they contain all of the limitations of the independent claim 13, but because claims 14 to 16, 18 to 21, and 25 to 27 also describe additional novel elements and features that are not described in the prior art.

As an example, and not by way of limitation, in the mobile communication terminal of claim 21 of the present invention, an attachment status detecting unit detects whether a detachable imaging unit is attached to a body when a data type identifying unit has determined that in-coming information includes image and sound data when a call is received, and the control unit visually or audibly informs a message suggesting attachment of the detachable imaging unit when the detachable imaging unit is not attached to the body. According to this construction, the user can surely notice that the detachable camera unit must be attached in order to start visual telephoning.

Tokano discloses a technique for detecting whether or not a recording device is attached to a camera apparatus. However, there is no motivation to combine the teachings of Tokano with the disclosures of Tagashira et al. and Irube et al., and, further, Tokano does not remedy the deficiencies of Tagashira and Irube mentioned above.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6810 to discuss the steps necessary for placing the application in condition for allowance.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reconsideration of the application and entrance of these amendments are respectfully requested.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: April 22, 2004

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